



for
14/12/07

59

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 4665 of 2007

PETITIONER

Smt. Savita Das Vaishnav, w/o
Shri Rakesh Das Vaishnav, aged
about 45 years, Occupation Service
Inspector in Police Department &
posted at Police station Mandir
Hasod, District Raipur, r/o Mandir
Hasod, District Raipur (C.G).

Versus

RESPONDENTS

- 1 The State of Chhattisgarh, through
Secretary, Ministry of Home
Affairs, D.K.S. Bhawan, Raipur,
District Raipur (C.G).
- 2 The Inspector General of Police,
Chhattisgarh Police Headquarters,
Raipur (C.G).
3. Deputy Inspector General of Police-
cum-Senior Superintendent of
Police, Raipur, District Raipur
(C.G).
4. Shashi Mohan Singh,
Superintendent of Police, City,
Raipur, Distt. Raipur (C.G).
5. Nagendra Prajapati, s/o Ram
Chandra Prajapati, aged about 19
years, r/o New Shanti Nagar,
Raipur (C.G).
6. Additional Superintendent of
Police, Raipur, Distt. Raipur (C.G).

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

Appearance:

Shri Awadh Tripathi, Counsel for the petitioner.

Shri Sumit Verma, Panel Lawyer, for the State/
respondents 1 to 4 & 6.

ORAL ORDER

(12.12.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

The petitioner Smt. Savita Das Vaishnav, who is serving
as an inspector in Police Department, has filed this writ
petition for quashing of the preliminary enquiry report dated
21.12.2006 (Annexure P-8) and charge sheet dated 13.2.2007
(Annexure P-9) and order dated 12.7.2007 (Annexure P-11).
Substantially the petition has been filed for quashment of the



charge sheet as also the departmental enquiry proposed and pending against the petitioner vide annexure P-9.

A perusal of the document Annexure P-9 would show that the allegations are that on a particular day when the petitioner was on duty she made a challan under the provisions of Motor Vehicles Act and directed for payment of certain amount according to the challan. When the discussions were going on between the person by whom the order was to be complied and the petitioner (inspector), the petitioner slapped the said person Nagendra Prajapati and has also misbehaved with him. Further allegations are that she also threatened him that she will implicate him in other cases.

Learned counsel for the petitioner argues that the allegations raised against the petitioner are false and baseless and on the false allegations the enquiry has been proposed.

I have heard learned counsel for the petitioner at length and have also perused the records annexured with the writ petition.

In the matter of **Union of India and others -vs- Upendra Singh (1994) 3 SCC 357**, the Apex Court has held vide para 6 that in the case of charges framed in a disciplinary inquiry the tribunal or court can interfere only if on the charges framed (read with imputation or particulars of the charges, if any) no misconduct or other irregularity alleged can be said to have been made out or the charges framed are contrary to any law. At this stage, the tribunal has no jurisdiction to go into the correctness or truth of the charges. The tribunal cannot takeover the functions of the disciplinary authority. The truth or otherwise of the charges is a matter for the disciplinary authority to go into. Indeed, even after the conclusion of the disciplinary proceedings, if the matter comes to court or tribunal, they have no jurisdiction to look into the truth of the charges or into the correctness of the findings recorded by the disciplinary authority or the appellate authority as the case may be.

In the present case, since the points pressed are related to the factual aspects of the enquiry on which a finding has to be recorded by the Enquiry Officer after giving due opportunity to both the parties, at this stage, it would be difficult for the



writ Court to go into the factual aspects of the matter and to entertain the petition for quashment of departmental enquiry which is based upon the grounds of such aspects saying that the allegations pertaining to the enquiry are false or incorrect.

In view of the above discussion, I do not find any reason to interfere with the matter at this stage.

This petition deserves to be dismissed and is accordingly dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

/Rao/